

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHN H. BENGE, JR.,

Petitioner,

v.

MICHAEL DELOY,  
Warden, and ATTORNEY  
GENERAL OF THE STATE  
OF DELAWARE,

Respondents.

Civil Action No. 08-78-GMS

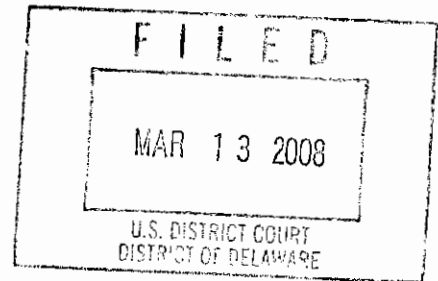
**AEDPA ELECTION FORM**

1. ☒

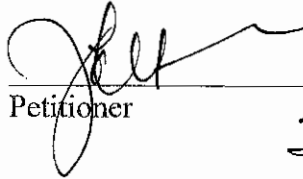
I wish the court to rule on my § 2254 petition as currently pending. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this petition will be my one opportunity to seek federal habeas corpus relief.

2. \_\_\_\_\_

I wish to amend my § 2254 petition to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive petition will be my one opportunity to seek federal habeas corpus relief.



3. \_\_\_\_\_ I wish to withdraw my § 2254 petition without prejudice to file one all-inclusive petition in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive petition must be filed within the one-year period as defined by 28 U.S.C. § 2244(d). *See Swartz v. Meyers*, 204 F.3d 417 (3d Cir. 2000).
4. \_\_\_\_\_ I am not seeking federal habeas corpus relief under § 2254. I am instead seeking relief under \_\_\_\_\_.

  
\_\_\_\_\_  
Petitioner

3-10-08

**28 U.S.C. §1746 DECLARATION OF SERVICE AND FILING BY  
DEPOSIT OF PLEADING IN PRISONER MAIL SYSTEM**

COMES NOW, JOHN H. BENGE, JR., who makes the following declaration pursuant to 28 U.S.C. §1746:

1. That he is currently incarcerated at Sussex Correctional Institution, Georgetown, DE, a facility of the Delaware Department of Correction; and
2. That on March 10, 2008 he deposited in the internal mailing system maintained by Sussex Correctional Institution for the deposit of prisoner mail the "AEDPA Election Form" attached hereto;
3. That first class postage therefor was prepaid and the aforesaid document(s) was/were addressed to:

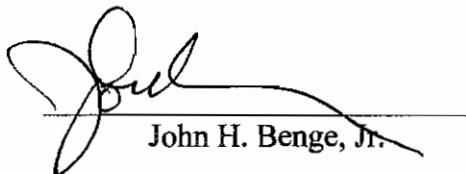
Clerk of the Court  
United States District Court  
United States Courthouse  
844 North King Street  
Lockbox 18  
Wilmington, DE 19947

and

Thomas E. Brown, Esq.  
Deputy Attorney General Assembly  
Delaware Department of Justice  
840 North French Street  
Wilmington, DE 19801

I hereby certify under penalty of the laws of the United States of America that the foregoing is true and correct.

Executed on: March 10, 2008

  
John H. Bengé, Jr.

J. Benge  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19347  
2008 WILMINGTON, DE 19850 PM



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CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
UNITED STATES COURTHOUSE  
844 NORTH KING STREET BOX 18  
WILMINGTON, DE 19801



Wilmington, DE 19801